IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 12989 of 2004

Between:

1 Smt. G. Laxmamma W/o Late G. Mallaiah
R/o H. No. 30-127/54, Old Safilguda, Secunderabad
2 G. Yellavva @Yellamma W/o Narasingaiah
R/o H. No. 30-127/54, Old Safilguda, Secunderabad

..... PETITIONER(S)

AND

1 The General Manager, Syndicate Bank, Head Office,Manipal-576 119, India
2 The Regional Manager, Rural Area, Syndicate Bank, Erramanzil, Hyderabad
3 The Senior Branch Manager, Syndicate Bank, Biknoor Branch, Kamareddy Mandal, Nizamabad District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not issuing the Duplicate vikas Cash Certificates bearing Certificate Nos, 5595, 5594 and 4758 in spite of submitting the relevant documents as illegal, arbitrary and against the principles of natural justice.

Counsel for the Petitioners: MR.GOVATHOTI BHASKAR RAO

Counsel for the Respondents: MR. A.KRISHNAM RAJU, Standing Counsel

The Court at the stage of admission made the following ORDER:

It is the case of the petitioners that during the life time of the deceased, who is husband and father of the petitioners respectively, he made certain deposits in the second respondent bank for an amount of Rs.30,630/-, Rs.41,126/- and Rs.45,613/- under Vikas Cash Certificates bearing Nos.329272, 330162 and 330163, dated 09-03-1997, 07-03-1998 and 27-08-1998 respectively. On maturity of the said cash certificates, the first petitioner approached the respondents for payment of the amount since her husband expired on 13-12-1999. The first petitioner obtained an order from the Administrator-General of A.P. in C.A.No.62 of 2003, dated 17-10-2003, wherein, it was declared that both the petitioners are entitled to administer and receive the assets of the value of Rs.59,065/- being FDR amounts from the respondents bank with regard to certificate Nos.5594 and 5595. As the very certificate vide No.4758 was obtained in the name of the first petitioner and her late husband, the same can be payable to either of the survivors and therefore, the first petitioner is entitled to receive the matured amount. In spite of the same, the said amounts have not been paid and therefore, the petitioners filed the present writ petition.

The respondents-bank filed counter affidavit stating that the husband of the first petitioner deposited the amounts in three certificates, in which, first one consists the name of the husband of the first petitioner and one P.Sattayya, second one also consists the name of the husband of the first petitioner and P.Sattayya and third certificate consists the name of the first petitioner and her husband.

If that be the case, proper remedy for the petitioner is to obtain a succession certificate for the said two deposited amounts after impleading Mr. P.Sattayya as a party to the petition. So far as the deposited amount, which was in the name of the first petitioner and her late husband, is concerned, the respondent cannot deny for payment of the same to the first petitioner. On first petitioner's submitting the said cash certificate and after executing an indemnity bond as per the procedure contemplated, the respondents-bank shall consider the claim of the first petitioner for payment but for the other two certificates, the petitioners shall obtain necessary orders from the competent civil Court.

The writ petition is accordingly disposed of. No costs.

18th NOVEMBER, 2004.

Note: furnish c.c. in three days.

B/o

kvni

To

1 The General Manager, Syndicate Bank, Head Office,Manipal-576 119, India.
2 The Regional Manager, Rural Area, Syndicate Bank, Erramanzil, Hyderabad.
3 The Senior Branch Manager, Syndicate Bank, Biknoor Branch, Kamareddy Mandal, Nizamabad District

4 Two CD copies.